## **HOUSE BILL No. 1303**

#### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-13-1-16.5; IC 4-13.6-6-2.8; IC 5-16-1-7.5; IC 8-10-1-7.7; IC 8-23-9-4.6; IC 36-1-12-5.5.

**Synopsis:** Indiana worker preference on public works projects. Establishes as a goal for the public works division of the department of administration that any state agency or commission entering into a public works contract, the port commission, the department of transportation, and local units of government must enter into contracts that provide that seventy-five percent (75%) of the persons employed by the contractor or any subcontractor are residents of Indiana. Provides that if it is not possible to employ seventy-five percent (75%) of the employees working on a contract who are residents of Indiana, the contractor must provide information on the reason the contractor or the subcontractors cannot meet the goal. Requires the commissioner of the department of administration to prepare an annual report for the public and for the legislative council on the percentage of residents of Indiana who are employed to perform public works contracts for the state.

Effective: July 1, 2007.

# Kersey

January 16, 2007, read first time and referred to Committee on Labor and Employment.



2007

#### First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

# C

## **HOUSE BILL No. 1303**

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 4-13-1-16.5 IS ADDED TO THE INDIANA CODE
2	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3	1, 2007]: Sec. 16.5. (a) As used in this section, "covered
4	transaction" means the award of a contract under:
5	(1) IC 4-13.6-6-2.8;
6	(2) IC 5-16-1-7.5;
7	(3) IC 8-10-1-7.7; or
8	(4) IC 8-23-9-4.6.
9	(b) As used in this section, "resident of Indiana" means a person
10	who:
11	(1) is at least eighteen (18) years of age; and
12	(2) resides in Indiana for at least thirty (30) days before the
13	date the person begins working on the contract or a
14	subcontract entered into under the contract.
15	(c) Beginning September 30, 2008, before October 1 of each
16	year, the commissioner shall compile and make available for public

inspection and for submission to the legislative council a report for



17

1	the preceding state fiscal year concerning the percentage of	
2	residents of Indiana who are employed by the contractors and	
3	subcontractors who are awarded contracts under this chapter,	
4	IC 5-16-1, IC 8-10-1, and IC 8-23-9. The report to the legislative	
5	council must be in an electronic format under IC 5-14-6.	
6	SECTION 2. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA	
7	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS	
8	[EFFECTIVE JULY 1, 2007]: Sec. 2.8. (a) As used in this section,	
9	"resident of Indiana" means an individual who:	
10	(1) is at least eighteen (18) years of age; and	
11	(2) resides in Indiana for at least thirty (30) days before the	
12	date the individual begins working on the contract or	
13	subcontract entered into under the contract.	
14	(b) When entering a bid under this chapter, each contractor	
15	shall provide the division with information on the number of	
16	residents of Indiana who will be employed by the contractor or any	4
17	subcontractor.	
18	(c) It is the goal of the state to award contracts to contractors	
19	who:	
20	(1) have residents of Indiana comprising at least seventy-five	
21	percent (75%) of the employees of the contractor who work	
22	on the contract; and	
23	(2) enter into subcontracts with subcontractors who have	
24	residents of Indiana comprising at least seventy-five percent	
25	(75%) of the employees who work on the subcontract.	
26	(d) If a contractor cannot meet the goal described in subsection	
27	(c), the contractor shall provide the division with information why	
28	the contractor cannot meet the goal described in subsection (c).	
29	(e) Beginning June 30, 2008, before August 15 of each year, the	
30	division shall file with the commissioner a report concerning the	
31	percentage of residents of Indiana who are employed by each	
32	contractor and subcontractor to work on the contract or	
33	subcontract who has been awarded a contract under this chapter.	
34	SECTION 3. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE	
35	AS A <b>NEW</b> SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
36	1, 2007]: Sec. 7.5. (a) As used in this section, "resident of Indiana"	
37	means an individual who:	
38	(1) is at least eighteen (18) years of age; and	
39	(2) resides in Indiana for at least thirty (30) days before the	
40	date the individual begins working on the contract or	
41	subcontract entered into under the contract.	
42	(b) When entering a contract under this chapter, each	



1	contractor shall provide the state or commission with information
2	on the number of residents of Indiana who will be employed by the
3	contractor or any subcontractor.
4	(c) It is the goal of the state to award contracts to contractors
5	who:
6	(1) have residents of Indiana comprising at least seventy-five
7	percent (75%) of the employees of the contractor who work
8	on the contract; and
9	(2) enter into subcontracts with subcontractors who have
10	residents of Indiana comprising at least seventy-five percent
11	(75%) of the employees who work on the subcontract.
12	(d) If a contractor cannot meet the goal described in subsection
13	(c), the contractor shall provide the state or commission with
14	information why it is impossible to meet the goal described in
15	subsection (c).
16	(e) Beginning June 30, 2008, before August 15 of each year, the
17	state or commission entering into a contract under this chapter
18	shall file with the commissioner of the Indiana department of
19	administration a report concerning the percentage of residents of
20	Indiana who are employed to work on the contract or subcontract
21	by each contractor and subcontractor who has been awarded a
22	contract under this chapter.
23	SECTION 4. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE
24	AS A <b>NEW</b> SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25	1, 2007]: Sec. 7.7. (a) As used in this section, "resident of Indiana"
26	means an individual who:
27	(1) is at least eighteen (18) years of age; and
28	(2) resides in Indiana for at least thirty (30) days before the
29	date the individual begins working on the contract or
30	subcontract entered into under the contract.
31	(b) When entering a contract under this chapter, each
32	contractor shall provide the commission with information on the
33	number of residents of Indiana who will be employed by the
34	contractor or any subcontractor.
35	(c) It is the goal of the state to award contracts to contractors
36	who:
37	(1) have residents of Indiana comprising at least seventy-five
38	percent (75%) of the employees of the contractor who work
39	on the contract; and
40	(2) enter into subcontracts with subcontractors who have
41	residents of Indiana comprising at least seventy-five percent
42	(75%) of the employees who work on the subcontract.



1	(d) If a contractor cannot meet the goal described in subsection
2	(c), the contractor shall provide the commission with information
3	why it is impossible to meet the goal described in subsection (c).
4	(e) Beginning June 30, 2008, before August 15 of each year, the
5	commission shall file with the commissioner of the Indiana
6	department of administration a report concerning the percentage
7	of residents of Indiana who are employed to work on the contract
8	or subcontract by each contractor and subcontractor who has been
9	awarded a contract under this chapter.
10	SECTION 5. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE
11	AS A <b>NEW</b> SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12	1, 2007]: Sec. 4.6. (a) As used in this section, "resident of Indiana"
13	means an individual who:
14	(1) is at least eighteen (18) years of age; and
15	(2) resides in Indiana for at least thirty (30) days before the
16	date the individual begins working on the contract or
17	subcontract entered into under the contract.
18	(b) When entering a contract under this chapter, each
19	contractor shall provide the department with information on the
20	number of residents of Indiana who will be employed by the
21	contractor or any subcontractor.
22	(c) It is the goal of the state to award contracts to contractors
23	who:
24	(1) have residents of Indiana comprising at least seventy-five
25	percent (75%) of the employees of the contractor who work
26	on the contract; and
27	(2) enter into subcontracts with subcontractors who have
28	residents of Indiana comprising at least seventy-five percent
29	(75%) of the employees working on the subcontract.
30	(d) If a contractor cannot meet the goal described in subsection
31	(c), the contractor shall provide the department with information
32	why it is impossible to meet the goal described in subsection (c).
33	(e) Beginning June 30, 2008, before August 15 of each year, the
34	department shall file with the commissioner of the Indiana
35	department of administration a report concerning the percentage
36	of residents of Indiana who are employed to work on the contract
37	or subcontract by each contractor and subcontractor who has been
38	awarded a contract under this chapter.
39	SECTION 6. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE
40	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
41	1, 2007]: Sec. 5.5. (a) As used in this section, "resident of Indiana"



42

means an individual who:

1	(1) is at least eighteen (18) years of age; and	
2	(2) resides in Indiana for at least thirty (30) days before the	
3	date the individual begins working on the contract or	
4	subcontract entered into under the contract.	
5	(b) When entering a bid under this chapter, each contractor	
6	shall provide the unit of local government with information on the	
7	number of residents of Indiana who will be employed by the	
8	contractor or any subcontractor.	
9	(c) It is the goal of the state to award contracts to contractors	
10	who:	
11	(1) have residents of Indiana comprising at least seventy-five	
12	percent (75%) of the employees of the contractor who work	
13	on the contract; and	
14	(2) enter into subcontracts with subcontractors who have	
15	residents of Indiana comprising at least seventy-five percent	
16	(75%) of the employees working on the subcontract.	
17	(d) If a contractor cannot meet the goal described in subsection	
18	(c), the contractor shall provide the unit of local government with	
19	information why it is impossible to meet the goal described in	
20	subsection (c).	

